

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

URIEL MARCUS, BENEDICT  
VERCELES, and Others Similarly  
Situated,

No. C 14-03824 WHA

Plaintiffs,

v.

**THIRD REQUEST FOR  
SUPPLEMENTAL BRIEFING**

APPLE INC.,

Defendant.

1. Has any plaintiff whose purchased unit continued to function ever been held to state a claim under the CLRA on the theory that a safety hazard should have been disclosed where the particular safety problem had not yet physically harmed that particular plaintiff (even though it may have harmed others)? Please cite only California decisions whose fact pattern exactly fits this scenario or say there are no such decisions.


2. Has any plaintiff whose purchased unit continued to function ever been held to state a claim under the Song-Beverly Act on the theory that they product line has a heightened risk of failure and therefore violates the warranty? Again, please cite cases dealing with this scenario.

1           3.       Apple disclosed the overheating problem on its website and said not to use the  
2 product against one's skin for extended periods. How can someone complain if he uses it  
3 contrary to this instruction?

4           Please respond by **NOON ON MARCH 16, 2015**. Your response should be no longer than  
5 ten pages (double spaced, no attachments, no footnotes.)

6  
7           **IT IS SO ORDERED.**

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9       Dated: March 12, 2015.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE